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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

COMMODITY FUTURES TRADING  
COMMISSION,

Plaintiff,

vs.

DANIEL SHAK, an individual,

Defendant.

Case No. 2:22-cv-01258-GMN-BNW

**UNOPPOSED MOTION TO EXTEND  
DEADLINE TO FILE REPLY IN  
SUPPORT OF MOTION TO DISMISS  
(FIRST REQUEST)**

1 Defendant Daniel Shak (“Shak”) moves, pursuant to LR IA 6-1, for a one-week  
2 extension—from November 1 until November 8, 2022—to file his reply in support of his October  
3 11, 2022 motion to dismiss (ECF No. 5). This is the first extension sought in connection with this  
4 deadline.<sup>1</sup>

5 The basis for this request is that Mr. Shak’s counsel have several conflicts over the  
6 week between the filing of the opposition brief (ECF No. 13) and the original reply deadline that  
7 interfere with their ability to complete the reply brief by the original November 1, 2022 deadline,  
8 including: (1) an all-day mediation on October 27, 2022 in another case pending in this District  
9 (*Cowley v. DePuy Synthes, Inc., et al.*, Case No. 2:21-cv-00129-KJD-VCF); and (2) previously  
10 scheduled out-of-town travel for the Nevada Day holiday from October 28–31, 2022. Mr. Shak’s  
11 out-of-state counsel likewise have several conflicting professional obligations necessitating this brief  
12 extension.

13 In an effort to avoid the need for this motion, Mr. Shak requested that plaintiff  
14 Commodity Futures Trading Commission (“CFTC”) stipulate to this extension. The CFTC’s  
15 counsel stated that they do not oppose this request, but they refused to stipulate to it.

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22  
23 <sup>1</sup> Mr. Shak’s counsel originally filed this motion on Wednesday, October 26, 2022  
24 (ECF No. 14), but mistakenly did not mark it as an unopposed motion in the Court’s  
CM/ECF system. Mr. Shak is therefore re-filing this motion now and will withdraw  
the incorrectly filed version.

1 For these reasons, Mr. Shak requests the Court extend this reply brief deadline by  
2 one week as explained above.

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4 

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12 Attorneys for Defendant Daniel L. Shak

**ORDER**

13 **IT IS SO ORDERED.**

14 **IT IS FURTHER ORDERED** that Defendant Daniel Shak's Motion to Extend Time,  
ECF No. 14, is **DENIED AS MOOT**.

15 Dated this 31 day of October, 2022.

16   
17  
18 Gloria M. Navarro, District Judge  
19 UNITED STATES DISTRICT COURT  
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21  
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**CERTIFICATE OF SERVICE**

Pursuant to Fed. R. Civ. P. 5(b), I certify that I am an employee of Kaempfer Crowell and I certify that service of the **UNOPPOSED MOTION TO EXTEND DEADLINE TO FILE REPLY IN SUPPORT OF MOTION TO DISMISS** was made on today's date by submitting electronically for filing and service with the United States District Court for the District of Nevada through the PACER Electronic Filing System to the addressee(s) shown below:

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Attorneys for Plaintiff Commodity Futures  
Trading Commission

DATED October 31, 2022

*s/Tera L. Carlstrom*

Tera L. Carlstrom

An employee of Kaempfer Crowell